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WASHINGTON

September 18, 2001

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

The Honorable Bart Stupak  
U.S. House of Representatives  
2348 Rayburn House Office Building  
Washington, D.C. 20515

Dear Congressman Stupak:

Thank you for your letter of August 6, 2001, concerning the 4940-4990 MHz ("4.9 GHz") band rulemaking proceeding, and the designation of this spectrum for exclusive public safety use.

I appreciate the serious spectrum needs expressed by the public safety community. At the direction of Congress, in 1998 the Commission designated 24 megahertz of spectrum in the 700 MHz band for exclusive public safety use, which is the largest assignment ever made for public safety communications. The band plan adopted for this public safety spectrum was specifically devised to accommodate a variety of operational modes (e.g., voice, data, image/high speed data, and video) and was crafted to be flexible enough to allow deployment of the technologies of tomorrow. The Commission also adopted technical and operational rules recently to promote nationwide and regional interoperability in the 700 MHz public safety band, in an effort to speed development and deployment of public safety equipment and technology.

In February 2000, the Commission initiated a rulemaking proposing to make available for commercial use the 4.9 GHz band, a band identified for transfer from federal government use. As your letter notes, members of the public safety community also have expressed interest in having this band set aside for exclusive public safety use. In the *4.9 GHz Band Notice of Proposed Rulemaking* ("NPRM"), the Commission tentatively concluded not to make such a designation, reasoning that the 24 megahertz of spectrum allocated for public safety use in the 700 MHz band constituted a significant commitment of spectrum that would serve public safety needs for the foreseeable future. The Commission specifically noted in the *NPRM*, however, that the 4.9 GHz band could be used for public safety purposes, consistent with the licensing plan ultimately adopted for the band, perhaps through agreements with commercial service providers or band managers.

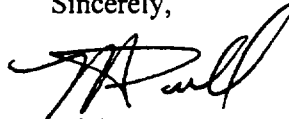
In response to the *NPRM*, members of the public safety community again have voiced their desire that some or all of this band be set aside for exclusive public safety use. Notwithstanding the tentative conclusion reached in the 4.9 GHz Band *NPRM*, the Commission is evaluating how the public would be served best in allocating this spectrum. We have placed

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your letter in the record of this proceeding for consideration along with the views of the public safety community and all other interested parties.

Thank you for letting me know of your interest in this important matter.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Powell", with a stylized flourish at the end.

Michael K. Powell  
Chairman

# Congress of the United States

Washington, DC 20515

August 6, 2001

Chairman Michael K. Powell  
Federal Communications Commission  
445 12th St. S.W.  
Washington DC 20554

WTB  
Public Safety  
PV  
MKP

Dear Chairman Powell:

Communications systems are increasingly critical to the mission of our Nation's law enforcement officers and first responders. Unfortunately, our officers do not have access today to the necessary spectrum for wireless broadband technologies which would greatly enhance their capabilities and the safety of all Americans. As members of the House Law Enforcement Caucus, we are strong supporters of the needs of the public safety community, and ask you to carefully consider this important opportunity to meet some of their spectrum needs in the current 4.9 GHz proceeding.

In 1996, the public safety community identified the need for an additional 97.5 MHz of spectrum to meet public safety's communications needs. The greatest need for additional spectrum over the next ten years will be for advanced wireless data and video communications. To date, the Commission has allocated 24 MHz to public safety, approximately one-fourth of the documented need. However, that spectrum is not available for broadband applications.

Major public safety organizations, including the Association of Public Safety Communications Officers, International Association of Chiefs of Police, National Public Safety Telecommunications Committee, Major County Sheriff's Association, National Organization of Black Law Enforcement Executives, Public Safety Wireless Network, Federal Law Enforcement Wireless Users Group, the International Union of Police Associations, and the Major Cities Chiefs, as well as many state, city and county police and fire departments have petitioned the Commission to allocate 50 MHz at 4.9 GHz for broadband on-site, on-scene, on-incident public safety applications.

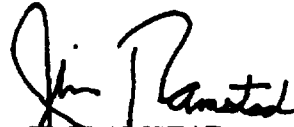
We understand that the FCC is expected to make a decision on this matter in the near-term. There is currently no spectrum allocated to public safety users to implement emerging broadband technologies for such mission critical needs as full motion real-time video, wireless high speed data networks and transmissions of large files at hot spots, or short range wireless networking of radios and accessories within a vehicle or on an officer. We believe that special consideration should be given towards allocating this portion of the spectrum to the needs of public safety.

In this digital age, America's officers ought not be electronically tethered in their efforts to protect Americans, and we appreciate your attention to the views they have presented on the record in this very important proceeding.


Sincerely,



BART STUPAK  
Member of Congress




JIM RAMSTAD  
Member of Congress



TIM HOLDEN  
Member of Congress



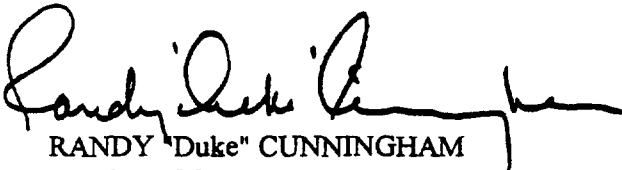
BENJAMIN A. GILMAN  
Member of Congress



PETER T. KING  
Member of Congress



PETER DEUTSCH  
Member of Congress



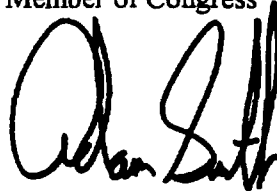
RANDY "DUKE" CUNNINGHAM  
Member of Congress



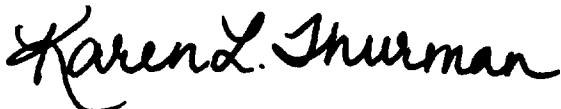
LLOYD DOGGETT  
Member of Congress



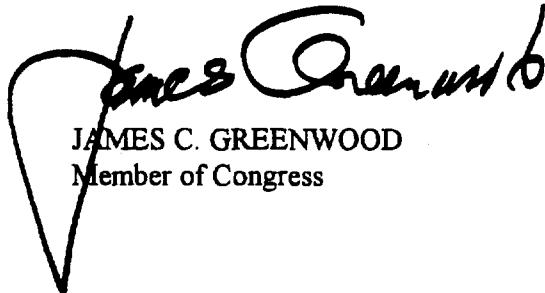
ADAM B. SCHIFF  
Member of Congress



ADAM SMITH  
Member of Congress



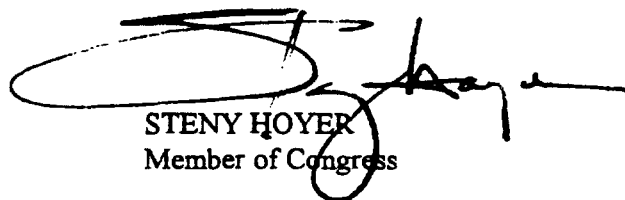
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BOB ETHERIDGE  
Member of Congress



STENY HOYER  
Member of Congress



CAROLYN MCCARTHY  
Member of Congress



DEBORAH PRYCE  
Member of Congress

cc: Commissioner Gloria Tristani  
Commissioner Kathleen Q. Abernathy  
Commissioner Michael J. Copps  
Commissioner Kevin J. Martin